



The City of San Diego  
Casey Gwinn  
City Attorney

# City Attorney Criminal Division Annual Report

July 1999

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## I. Introduction

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The San Diego City Attorney's Office has been prosecuting misdemeanor crimes for more than seventy-five years. California Government Code section 72193 provides that, whenever a city charter creates the office of city prosecutor, the city prosecutor shall prosecute all misdemeanors committed within the city. In 1952, the voters of San Diego specifically amended the City Charter to *mandate* that the City Attorney handle misdemeanor criminal prosecution in the City of San Diego.

The San Diego City Attorney's Criminal Division has one of the most comprehensive misdemeanor prosecution operations in the country. With the strong support of the Mayor and City Council, the Criminal Division efficiently and effectively performs its Charter-mandated duties. The Division handles a large, general misdemeanor caseload, and has developed specialized and innovative initiatives and units that are not duplicated in other parts of this state or this country. The City Attorney's Child Abuse and Domestic Violence Unit, Consumer and Environmental Protection Unit, and Code Enforcement Unit have all been recognized at the state and national level for their excellence. The City Attorney's Office has also joined in partnership with law enforcement agencies and community organizations on specialized programs in the areas of drug abatement, gang abatement, mediation, juvenile intervention, traffic offenders with suspended licenses, neighborhood prosecution, and environmental crimes.

The Criminal Division plays a key role in developing the public safety vision of the Mayor, City Council, City Manager, and Police Chief. The partnerships that have been developed between the Criminal Division, law enforcement agencies, and community groups have played a critical role in reducing crime in the City of San Diego in recent years and in improving the quality of life for the people of San Diego.

This Annual Report assesses the overall performance of the City Attorney's Criminal Division in Fiscal Year 1998-99. It identifies "value added" or "enhanced prosecution programs" that the City Attorney has developed in recent years. It reviews the benefits to the community from aggressive, early intervention prosecution at the misdemeanor level, which reduces the number of criminals who escalate their offenses to felonies. Finally, the report discusses the benefits to taxpayers of maintaining the Criminal Division as a training ground to develop experienced trial attorneys who can later transfer to the Civil Division if needed. These attorneys are well-qualified and prepared to successfully defend lawsuits brought against the City of San Diego.

## II. Overview of Office

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The City Attorney serves San Diego as the chief legal advisor and misdemeanor prosecutor. The City Attorney's Office is divided into two divisions—Criminal Division and Civil Division. San Diego City Attorney Casey Gwinn took office in December 1996 with a vision of proactive, early intervention lawyering and a commitment to community outreach. The staff of the City Attorney's Office is dedicated to this philosophy.

### A. Criminal Division

By San Diego City Charter and state law mandates, the City Attorney is responsible for prosecuting misdemeanors committed within the City of San Diego. The majority of the more than 40,000 cases Criminal Division deputies review each year are handled by prosecutors in the Screening and Arraignment, Neighborhood Prosecution, Trial, and Appellate Units. The Criminal Division also has prosecutors working in three specialized units, Child Abuse and Domestic Violence, Consumer and Environmental Protection, and Code Enforcement.

The Criminal Division protects the safety and quality of life of the people of San Diego by intervening to stop criminal conduct at the misdemeanor level. A staff of 152 people, including deputies, investigators, legal assistants, and support staff, works together to provide aggressive, just, and effective prosecution. The Division ensures that people who break the law are held accountable for their conduct and receive appropriate punishment and rehabilitation.

Through a comprehensive victim advocacy program, Criminal Division staff help crime victims by obtaining restitution, assisting in safety planning, and providing current information about their cases. In partnership with police and community groups, the Criminal Division works for a more responsive criminal justice system that meets the needs of San Diego's communities.

The Criminal Division also serves as a training ground for all deputy city attorneys in the Criminal Division and the Civil Division. All new deputy city attorneys begin as prosecutors in the Criminal Division. They regularly make court appearances and get extensive jury trial experience. After deputies have substantial training and trial work, they may apply for positions in the Civil Division. All lawyers in the office, including the City Attorney himself, were at one time Criminal Division prosecutors.

### B. Civil Division

The City Attorney is the chief legal advisor for the City of San Diego and its departments. The Civil Division, composed of deputies, investigators, legal assistants, legal secretaries, and others, provides legal services to our steadily growing city. The Civil Division is organized into four units—Employment and Safety Services, Public Works, Real Property, and Trial. There is also a specialized Public Policy Team. Advisory deputies provide legal guidance to the Mayor, City Council, City departments, and Boards and Commissions. These deputies advise on matters ranging from managing a City workforce of 10,000 employees, to acquiring, using, and regulating City lands, to financing and constructing the City's multi-million

dollar public works projects. Litigation deputies represent the City in all civil litigation proceedings, including judicial and administrative hearings. These deputies defend the City against lawsuits with plaintiffs seeking a total of more than \$500 million annually from the City's General Fund. The Civil Division staff is committed to providing the City with the highest quality legal work.

### III. Criminal Division: Duties and Responsibilities

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As the misdemeanor prosecutor for the City of San Diego, the City Attorney has the mandated duty to ensure public safety and offender accountability.

#### A. Mandated Duty and Mission Statement

California Government Code section 72193 authorizes charter cities, like San Diego, to adopt a charter provision requiring the city attorney to prosecute misdemeanor offenses. San Diego City Charter sections 40 and 40.1 require the elected City Attorney to prosecute all San Diego Municipal Code and state law misdemeanor violations committed within the City of San Diego. Charter section 40 states in relevant part: “It shall be the City Attorney’s duty . . . to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of the City Attorney by law.” Charter section 40.1 gives the City Attorney concurrent jurisdiction with the District Attorney for prosecution of misdemeanor offenses in the City of San Diego. It states, “The City Attorney shall have concurrent jurisdiction with the District Attorney of the County of San Diego to prosecute persons charged with or guilty of violation of the state laws occurring within the city limits of the City of San Diego for offenses constituting misdemeanors.” With the approval of section 40.1 by the electorate in 1952, voters imposed a mandate on the City Attorney to prosecute misdemeanors in the City of San Diego. Thus, it is the charter-mandated duty of the San Diego City Attorney to prosecute all misdemeanor violations of state and local law committed within the City of San Diego. Other

cities in California with city attorneys who prosecute both state and local misdemeanors include Anaheim, Burbank, Fresno, Hermosa Beach, Inglewood, Long Beach, Los Angeles, Pasadena, and Torrance.

The mission of the City Attorney’s Criminal Division includes all of the following:

- discouraging crime in the City of San Diego through prompt and effective prosecution of criminal cases;
- providing mediation and counseling to disputants to resolve problems without the need for criminal prosecution;
- reducing the incidents of family violence by prompt and effective prosecution of offenders;
- enforcing land use regulations and properly advising City departments about enforcement issues; and
- prosecuting civil and criminal consumer and environmental protection cases and obtaining restitution for victims.

#### B. Caseload

The City Attorney’s Criminal Division prosecutes misdemeanors committed within the City of San Diego and, by agreement with the District Attorney, the City of Poway. These include violations of state and local laws, such as driving under the influence of alcohol or drugs, theft offenses, sex crimes, gang and graffiti crimes, child abuse, elder abuse, domestic violence, zoning and building code



violations, consumer and environmental crimes, and many others. Quality-of-life crimes, including illegal lodging, trespassing, prostitution, graffiti, and illegal drug activity, are important to San Diegans because these crimes erode communities. Statistics from the San Diego Association of Governments demonstrate that the majority of the workload of the criminal justice system is composed of misdemeanors.

Misdemeanor and Felony Arrests City of San Diego*			
Type	1993	1996	1997
<b>Misdemeanors</b>	44,039	38,317	35,194
<b>Felonies</b>	19,814	16,174	16,619

\*These statistics are from the San Diego Association of Governments (SANDAG). They do not include arrests by the San Diego Harbor Police, San Diego Sheriff's Department, California Highway Patrol, and local university police departments, all of which refer cases to the City Attorney for review and prosecution.

In a 1998 survey of San Diego residents prepared for the City of San Diego by the Behavior Research Center, 78 percent of the respondents reported that they were satisfied with the efforts the police are making in identifying and addressing neighborhood crime and disorder problems. Most of these neighborhood crime and disorder problems result in misdemeanor arrests and prosecutions. The City Attorney takes these quality-of-life crimes seriously and gives them the attention they need to ensure that our communities are safe.

The City Attorney receives crime reports from all state and local law enforcement agencies working in the City of San Diego, including the San Diego Police Department, Harbor Police, California Highway Patrol, California Department of Fish and Game, and local university police departments.

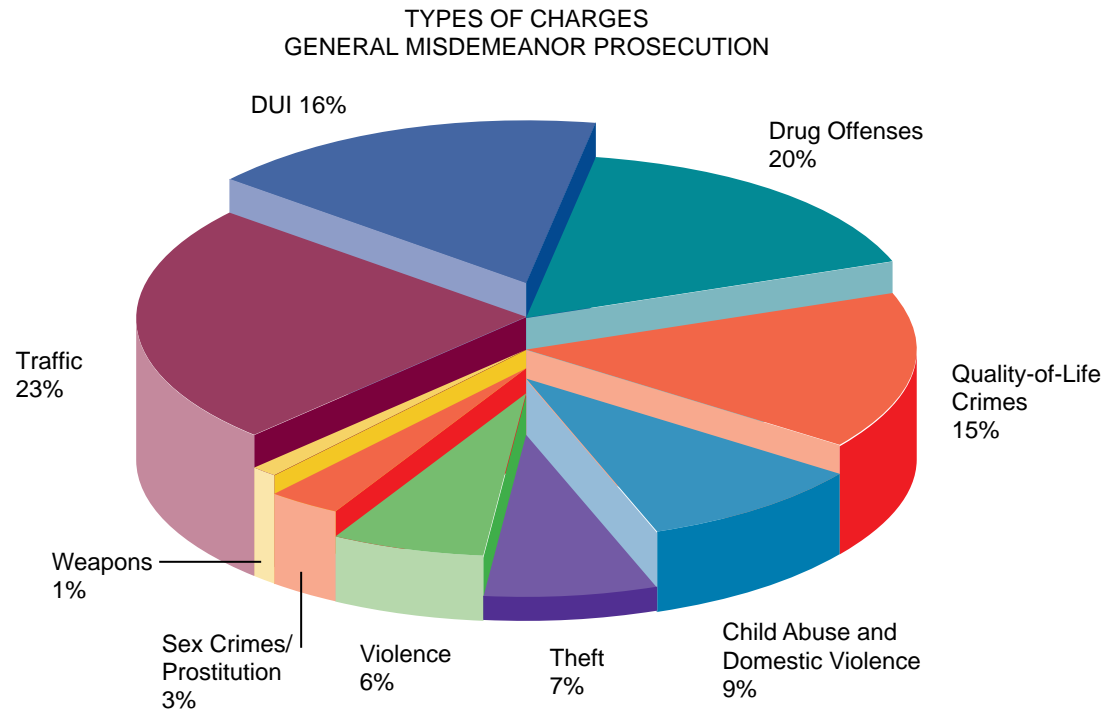
In Fiscal Year July 1997 to June 1998, the City Attorney's Office reviewed 42,484 misdemeanor cases and prosecuted 39,084. In Fiscal Year 1999, Criminal Division staff will review a projected 40,073 cases and will prosecute a projected 37,273 cases. As with any prosecutor's office, all deputy city attorneys have an ethical duty to issue only those cases in which there is legally sufficient evidence that a crime was committed and there is a reasonable expectation of conviction. The cases that are not issued by deputy city attorneys either are not issuable because they pose problems—including issues of victim or witness credibility, unavailability of evidence, search and seizure or due process violations, and jurisdictional or venue defects—or they are referred to the District Attorney as felonies.

Criminal Division Caseload		
Fiscal Year	Cases Reviewed*	Cases Prosecuted
<b>1996 – 97</b>	42,892	38,281
<b>1997 – 98</b>	42,484	39,084
<b>1998 – 99 (Projected)</b>	40,073	37,273

\*This count does not include traffic infractions or offenders arrested on warrants.

Between November 16, 1998 and December 15, 1998, City Attorney staff conducted a comprehensive analysis of cases received by the Criminal Division from law enforcement agencies. This analysis was done in response to a request by the San Diego Superior Court, which was gathering information for court unification. The analysis did not include cases handled by the Criminal Division's Code Enforcement and Consumer and Environmental Protection Units. During this

period, the City Attorney received 3,407 new crime reports for review. In addition, the City Attorney received reports for an additional 515 offenders arrested on misdemeanor warrants. The cases analyzed were categorized into types of charges. The chart below illustrates the results of this study. The percentages are representative of an average monthly caseload in the Criminal Division.



### C. Efficiencies of Case Bundling

In the fall of 1998, City Attorney personnel met with personnel from the San Diego District Attorney's Office to discuss how the City Attorney's Office might assist the San Diego Superior Court in its efforts to be more efficient as it embarked on court unification. In response to the San Diego Superior Court's interest in the possibility of "bundling" cases from various agencies throughout the county including the City Attorney's Office, the Criminal Division participated in the detailed statistical analysis of its criminal caseload discussed above. The statistical study focused on every new criminal case and warrant arrest (defined as a defendant who was placed in custody for one or more outstanding misdemeanor warrants) that was received by the City Attorney from November 16, 1998 through December 15, 1998. The primary focus of the project was to determine how many of the Criminal Division's misdemeanor defendants also had pending cases or active probation cases in one or more of the San Diego County District Attorney branches.

During the thirty-day period between November 16, 1998 and December 15, 1998, the City Attorney's Office analyzed a total of 3,922 defendants' cases to determine how many defendants had pending cases or active probation cases with the San Diego County District Attorney branches. Of the 3,922 defendants, 3,183 defendants did not have pending cases or active probation cases with any of the San Diego District Attorney branches. That is, 81 percent of the defendants either had no criminal record or had pending cases or active probation cases only with the City Attorney's Office. So, the percentage of cases that would involve bundling is relatively small.

#### D. Staffing

There are presently 152 people working in the Criminal Division. They can be divided into three general categories: 66 attorneys, which include assistant city attorneys and deputy city attorneys; 9 investigators; and 77 support staff, which includes dispute resolution officers, victims services coordinators, legal assistants, and clerical staff. Each staff member supports the City Attorney's philosophy of proactive, early intervention lawyering, with an

emphasis on community outreach and accountability to members of San Diego communities. Criminal Division staff work in seven units. In addition, one assistant city attorney, one deputy city attorney, and one support staff member assist in administration and oversee Criminal Division special projects, including the writing of grants and the development and implementation of special programs.

Criminal Division Staffing Levels*				
Unit	Attorneys	Investigators	Support Staff	Totals
<b>General Misdemeanor Prosecution</b> (Screening and Arraignment Unit, Trial Unit, Neighborhood Prosecution Unit)	36	2	51	89
<b>Appellate Unit</b>	4		2	6
<b>Child Abuse and Domestic Violence Unit</b>	10	2	14	26
<b>Code Enforcement Unit</b>	7	2	5	14
<b>Consumer and Environmental Protection Unit</b>	7	3	4	14
<b>Special Projects and Administration</b>	2		1	3
<b>Totals</b>	66	9	77	152

\*These staffing levels are as of March 17, 1999.

## IV. Misdemeanor Prosecution: Efficiency and Effectiveness

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The Criminal Division is divided into seven units:

- Screening and Arraignment
- Neighborhood Prosecution
- Trial
- Appellate
- Child Abuse and Domestic Violence
- Consumer and Environmental Protection
- Code Enforcement.

As their first assignment, all new Criminal Division deputy city attorneys complete an intensive, comprehensive training program.

### A. Screening and Arraignment Unit

The Screening and Arraignment Unit receives crime reports from local law enforcement agencies, including the San Diego Police Department, California Highway Patrol, Harbor Police, California Fish and Game Department, and local university and college police departments. A deputy reviews each report to determine whether there is sufficient evidence to file charges. When a defendant is in jail, there is little time—less than seventy-two hours—to obtain the relevant information, analyze the facts, and file a criminal complaint. Timely screening requires a cooperative effort between law enforcement officers, prosecutors, and support staff.

The Screening and Arraignment Unit handles arraignments for criminal defendants charged with misdemeanors. At arraignment, criminal defendants are advised of their constitutional rights and

are given the opportunity to plead guilty or not guilty. Criminal Division prosecutors staff three arraignment courts. The San Diego Traffic Arraignment Court in Kearny Mesa is the first stop for people charged with driving under the influence and other Vehicle Code violations. Defendants charged with other misdemeanors appear downtown at the San Diego Misdemeanor Arraignment Court. Defendants in custody are arraigned in a downtown courtroom via closed circuit television. Most defendants plead guilty at arraignment and are sentenced.

### B. Trial Unit

The Trial Unit represents the People of the State of California in misdemeanor jury and non-jury trials. The Trial Unit handles all cases not prosecuted by specialized units. When defendants plead not guilty at arraignment, their cases proceed to the Trial Unit. Deputies, who rotate between screening, arraignment, and trial responsibilities, work with investigators, legal assistants, and other support staff to take cases to trial. Trial deputies hold criminal defendants accountable, ensuring appropriate punishment and rehabilitation.

En route to trial, cases are set in the San Diego Superior Court Misdemeanor Trial Setting Department [TSD], a high-volume court that hears more than 3,000 cases each month. In TSD, deputies evaluate the cases and negotiate guilty pleas with defense attorneys. When settling cases, Criminal Division deputies propose sentences designed to deter future crimes and reduce the likelihood that offenders' criminal conduct will escalate. In addition to punishment—time in jail, public work service, and fines—sentences may

also include rehabilitation, such as counseling and education programs. If defendants do not plead guilty in TSD, their cases are set for trial.

Cases that are not resolved in the Trial Setting Department are set for trial in the Court's Presiding Department. Criminal Division deputies and support staff prepare the cases for trial, subpoenaing witnesses and obtaining other evidence. On the day of trial, the Supervising Judge assigns the case to a courtroom.

In 1998, 2,881 cases were set for jury trial. Deputies and staff prepared all of the cases for trial. In 1,475 of the cases, defendants pleaded guilty on the day of trial. In the remaining cases, some defendants failed to appear in court and the court issued arrest warrants, some were granted continuances, and some proceeded to trial. Criminal Division deputies tried 172 jury trials and argued many non-jury trials, motions, and hearings, such as restitution hearings to compensate crime victims for their injuries and property damage.

Each year, nearly half of the Trial Unit's jury trials are for driving under the influence of alcohol or drugs [DUI]. Including cases in which defendants plead guilty, the Unit's conviction rate exceeds 95 percent. Because drunk driving is a serious threat to public safety, DUIs are a major focus of the Criminal Division's training program. Trial deputies are taught how to effectively handle the scientific and evidentiary challenges posed by DUI cases.

### C. Appellate Unit

The Appellate Unit writes and argues pretrial motions, writs, and appeals on cases handled by the Screening and Arraignment, Neighborhood Prosecution, and Trial Units. The Appellate Unit also provides legal support for deputies, by updating them on new statutory and case law and by providing training in constitutional law, criminal procedure, and discovery.

In 1998, the Appellate Unit handled approximately 475 motions and prevailed on more than 90 percent of those heard in court. Appellate deputies respond to motions brought on a broad range of legal issues, including search and seizure, speedy trial, plea withdrawal, invalidation of prior convictions, double jeopardy, and demurrers. In 1998, the Unit also handled 135 appeals, winning more than 95 percent. Typical issues on appeal include insufficiency of evidence, ineffective assistance of counsel, jury instructions, and constitutional challenges. Most writs and appeals are heard by the Appellate Department of the San Diego Superior Court. A small number proceed on to the Fourth District Court of Appeal. On occasion, Appellate Unit deputies argue cases before the California Supreme Court.

The Appellate Unit works on issues affecting our quality of life in San Diego. The Unit has successfully defended the constitutionality of much of the San Diego Municipal Code, including regulations on nude entertainment in the city. The Unit has also successfully defended challenges to the constitutionality of sobriety checkpoints used by local law enforcement to arrest drunk drivers and educate the public on the dangers of driving under the influence of alcohol or drugs.

#### D. Child Abuse and Domestic Violence Unit

In 1986, the City Attorney's Office assigned one prosecutor to specially handle misdemeanor domestic violence cases. This prosecutor developed an understanding of the cycle of domestic violence and began to take domestic violence offenders to trial without victim participation. As a result of the City Attorney's aggressive policy on prosecuting domestic violence offenders and a collaboration with the San Diego Police Department to build stronger domestic violence cases, the domestic violence caseload grew. In 1988, the City Attorney created the Child Abuse and Domestic Violence Unit, which has developed into one of the largest and most comprehensive one-stop family violence units in the nation.

Today, the Unit houses a staff of prosecutors, plus victim advocates, investigators, legal secretaries, other support staff members, a forensic nurse, and volunteers who run a restraining order clinic and a children's advocacy program. Many of the staff positions are grant funded. Unit prosecutors screen more than 3,000 cases per year, issue approximately 70 percent, and obtain convictions in 95 percent of those cases.

Child Abuse and Domestic Violence Unit 1998 Case Statistics	
Cases Reviewed	3,175*
New Filings/Probation Revocations	2,212
Felony Referrals	60
Amended Existing Complaints	21

\*Seventy-two cases initially referred to the Unit were determined to be non-domestic violence. These cases were forwarded to general criminal issuing and are not counted in case totals.

The Unit prosecutes misdemeanor child abuse, domestic violence, elder abuse, same-sex domestic violence, statutory rape, and stalking cases. The Unit's mission is to stop the violence, make victims safer, hold batterers accountable, never let a victim die in vain, and provide long-term victim support. One of the City Attorney's strong allies in bringing long-term victim support to domestic violence victims is Councilmember Barbara Warden, who is championing the issue of emergency and transitional housing for domestic violence victims in the City of San Diego.

The Unit's specially trained prosecutors recognize that early intervention is critical. Once domestic violence begins, it often increases in both frequency and severity. The Unit has developed a national reputation for pioneering the prosecution of cases even when a victim is unable or unwilling to participate. Victims of domestic violence, for complex reasons, may minimize the crimes, recant their statements to police, or refuse to appear in court to testify. The

State, not the victim, brings the criminal charges. Unit deputies prosecute with other evidence of the violence, including spontaneous victim statements to police officers, taped 911 calls, photographs of injuries, witness statements, and medical reports.

The City Attorney has created a novel, aggressive approach to the prosecution of family violence cases by adopting the following eight core objectives:

- Aggressively prosecuting misdemeanor domestic violence cases to stop the violence
- Providing early intervention at the misdemeanor level to prevent offenders' conduct from escalating to the felony level
- Shifting the focus from victim responsibility for prosecution to a focus on offender accountability
- Enhancing victim safety by using comprehensive safety planning, strong victim advocacy, and state-of-the-art technology, such as *Mosaic 20* software, to assess lethality
- Creating a multi-disciplinary, interagency response to family violence
- Promoting community awareness and understanding of the dynamics of domestic violence, elder abuse, child abuse, statutory rape, and stalking cases
- Holding batterers accountable by not dropping or reducing charges at the request of victims
- Advocating for legislative changes so that adequate laws are in place to protect victims, to enhance the abilities of prosecutors to prove domestic violence cases, and to ensure batterers receive appropriate punishment and rehabilitation, including mandated counseling programs.

The efforts to hold batterers accountable are even more effective today with the creation of the San Diego Domestic Violence Court. Deputies have been working with specially trained judges who handle all domestic violence cases. The judges are experts in the cycle of domestic violence and abuse. By closely monitoring these cases, they ensure that the batterers receive appropriate punishment and rehabilitation.

The San Diego Superior Court has responded to the success of the downtown domestic violence court model by expanding the scope of judicial intervention in domestic violence situations. On April 5, 1999, the Superior Court opened the Family Violence Solutions Center at the Madge Bradley Superior Court Building. The Family Violence Solutions Center will eventually include a domestic violence court, a restraining order clinic, and family court services for all cases relating to domestic violence occurring in the City of San Diego. The City Attorney and the Court have a long-term vision of handling all misdemeanor and felony domestic violence cases at the Family Violence Solutions Center.

Since 1988, the City Attorney's Child Abuse and Domestic Violence Unit has established a close working relationship with the San Diego Police Department. This relationship has grown stronger through the years as the initiatives in community policing, aggressive domestic violence intervention, and efforts to respond to misdemeanor child abuse have come to the forefront of public policy. Deputy city attorneys spend one day per week in the Child Abuse and Domestic Violence Unit at the San Diego Police Department, working closely with detectives to assist with case evaluation and to ensure that both police and prosecutors are operating from the same



standards and procedures. This guarantees immediate intervention in child abuse cases and promotes close cooperation and greater defendant accountability. Deputies also assist detectives in evaluating their domestic violence case investigations by attending police department staff meetings and consulting daily on the telephone.

The City Attorney's fight against domestic violence and child abuse does not end in the courthouse. Criminal Division prosecutors and advocates speak at local high schools, colleges, community groups, hospitals, and other organizations to raise awareness and educate the public. Unit deputies and other staff members conduct specialized trainings across the country and often host visitors from other jurisdictions. Attorneys, investigators, and victim advocates regularly attend community meetings and participate on the San Diego Domestic Violence Council, the Stalking Task Force, the Violence Against Women Act Task Force, the Domestic Violence Fatality Review Team, the Elder Abuse Prevention Task Force, as well as other groups fighting family violence.

The Violence Against Women Grant Office has designated the City Attorney's Child Abuse and Domestic Violence Unit as a model program and has funded site visits from prosecution agencies across the country. Recent visitors include Cobb County, Georgia; DuPage County, Illinois; and the State Attorney's Office of Connecticut.

Through a partnership between the Communities Against Violence Network and the San Diego City Attorney's Office, in November 1998, the Unit developed a national listserv and web site called *DVPROSECUTIONS* for prosecutors and law enforcement officers

working in domestic violence. The goal of *DVPROSECUTIONS* is to bring together domestic violence prosecutors and law enforcement, to share information, and to resolve questions. The web site is designed to provide listserv subscribers with access to documents covering a wide range of issues of direct relevance to their work. Listserv subscribers are invited to submit documents to include on the web site. This confidential web site is password protected to encourage agencies to share information with others about upcoming events and to post statistics, articles, reports and studies, protocols, brochures, sample motions and briefs. In the future, *DVPROSECUTIONS* will create a chat room where special guests will be invited to answer questions and discuss current issues.

The Unit's work has regularly been the focus of local and national media attention over the last eleven years. Most recently, the Unit's work was profiled on the "Solutions" series on *ABC World News Tonight*.

#### E. Consumer and Environmental Protection Unit

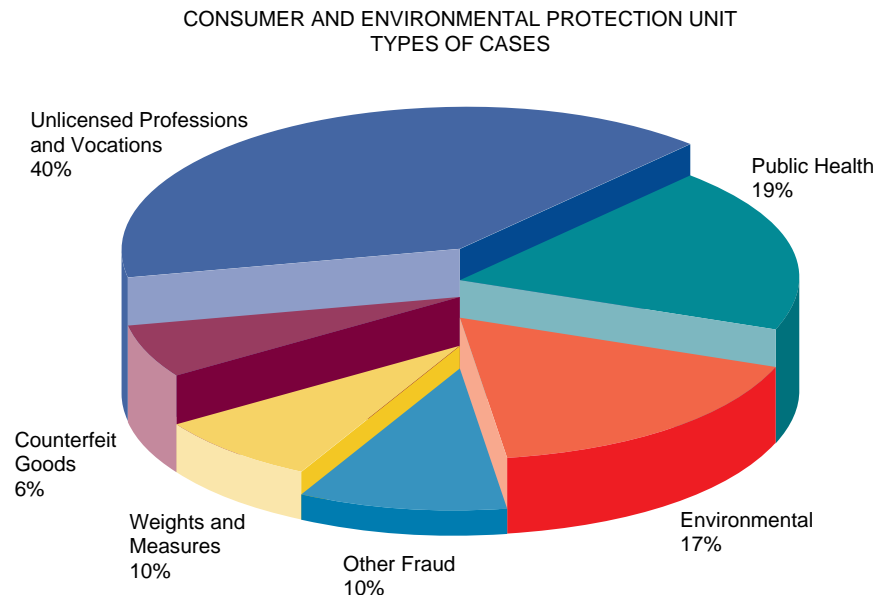
In 1972, the first deputy was assigned full-time to the area of consumer fraud. Today, the Consumer and Environmental Protection Unit investigates and prosecutes cases involving public health crimes, consumer fraud, environmental pollution, and governmental corruption. The Unit receives cases from law enforcement, City departments, County and State agencies, and investigates direct consumer and business complaints. Each year, the Unit receives more than 7,500 calls from citizens on its help line. In consumer fraud cases, the Unit prosecutes individuals and businesses practicing trades and professions without required licenses. In one signifi-

cant case, the Unit prosecuted a man at a local medical clinic who was selling a phony AIDS and cancer cure made out of household cleaning fluids. Unit deputies also prosecute home improvement contractors who take money but perform minimal or no work. Besides many unlicensed practices, from accountants to vocational nurses, Unit deputies also prosecute misleading advertising, thefts by way of retail transactions, sale of counterfeit goods, and health violations, among many others. Deputies closely monitor restitution payments to ensure that crime victims actually receive the payments the courts have ordered.

In the environmental protection cases, deputies file charges against violators who illegally dump toxic substances, such as diesel fuel, concrete slurry, engine cleaner, and gasoline into our storm drains

and local waters. Unit deputies also conduct environmental prosecutions related to improper storage and transportation of hazardous materials and waste.

The Unit files both criminal and civil law enforcement actions against individuals and corporations. In about 80 percent of the cases, Unit deputies file criminal complaints. Criminal defendants may be required to serve time in jail, do public work service, pay restitution to victims, complete appropriate training, pay for public service announcements about environmental dangers, and pay fines and cleanup costs. In the 20 percent of the Unit's cases that are civil actions, deputies seek similar remedies, except the criminal sanctions of incarceration and public work service. From January 1998 to March 1999, civil prosecutions resulted in judgments totaling more than \$2.5 million, with nearly \$350,000 awarded to the City of San Diego in costs and penalties.



In two significant cases in 1999, the City Attorney's Office joined forces with prosecutors from throughout California to file two consumer protection lawsuits against Thrifty Payless, Inc. and its owner, the Rite Aid Corporation. Rite Aid, which operates more than 640 drug stores in California, agreed to pay \$2.1 million in civil penalties and other monetary relief to settle the lawsuit that alleged Rite Aid engaged in misleading advertising and unfair competition by charging consumers more for items than the advertised or posted price. Rite Aid also agreed to pay \$1.4 million in penalties, costs, and restitution to settle a suit that alleged Rite Aid sold expired infant formula, contraceptives, pregnancy tests, and baby medicines throughout its California stores. Rite Aid also agreed to have a pricing accuracy coordinator at each store, to notify all

**Consumer and Environmental Protection Unit  
Selected Criminal Cases: Restitution Awarded  
1997 – Present**

<b>Defendant</b>	<b>Violation(s)</b>	<b>Restitution to Victims</b>
<b>Owner of circuit board company (1998)</b>	Dumping wastewater into City sewer in violation of permit	\$100
<b>Owner of limousine company (1998)</b>	Stealing from customers via credit card overcharges	\$58,000
<b>Medical doctor (1998)</b>	Allowing untrained workers to administer medication	\$100
<b>Contractor (1998)</b>	Unlicensed contracting	\$6,159
<b>Contractor (1998)</b>	Unlicensed contracting	\$20,521
<b>Contractor (1998)</b>	Unlicensed contracting	\$3,906
<b>Contractor (1998)</b>	Unlicensed contracting, theft	\$6,770
<b>Political consultant (1998)</b>	Stealing from political candidates and print shops	\$18,608
<b>Owner of transportation services (1998)</b>	Stealing from tourists by failing to provide services	\$8,842
<b>Contractor (1997)</b>	Unlicensed contracting	\$4,850
<b>Cheese seller (1997)</b>	Selling food without health permit	\$100
<b>Contractor (1997)</b>	Unlicensed contracting	\$4,681
<b>Contractor (1997)</b>	Unlicensed contracting	\$3,932
<b>Contractor (1997)</b>	Unlicensed contracting	\$3,588
<b>Contractor (1997)</b>	Unlicensed contracting	\$19,421

**Consumer and Environmental Protection Unit  
Selected Civil Cases: Monetary Relief  
1997 – Present**

<b>Defendant</b>	<b>Violation(s)</b>	<b>Total Monetary Judgment</b>	<b>Total Costs and Penalties Awarded to City of San Diego</b>
<b>Real estate brokerage firm (1999)</b>	Unlawful disposal of flammables, corrosives, and toxic wastes	\$76,020	\$33,645
<b>National discount drug store chain (1999)</b>	Overcharging customers via price scanners (lead prosecutor)	\$2,089,999	\$151,688
<b>Wood fiber company (1998)</b>	Selling wood chips containing lesser amount than advertised	\$14,388	\$4,998
<b>Sanitation company (1998)</b>	Spilling battery acid on to City streets because of failure to secure load	\$67,985	\$26,294
<b>Chemical manufacturer (1998)</b>	Selling flea powder containing lesser amount than advertised	\$8,995	\$5,125
<b>Bike sales company (1998)</b>	Misrepresenting weight of racing bike parts in advertisement	\$32,000	\$18,250
<b>Internet service provider (1998)</b>	Failure to disclose hidden charges for Internet service	\$15,000	\$10,000
<b>Hotel (1998)</b>	Washing cleaning solvents into City storm drain	\$15,954	\$5,954
<b>Asbestos abatement contractor (1998)</b>	Disposal of flammable liquids at City landfill	\$63,755	\$21,255
<b>Kid's clothing and furniture store (1998)</b>	False grand opening sale	\$20,000	\$12,500
<b>Drug store chain (1998)</b>	Overcharging via price scanner	\$43,550	\$20,708
<b>Circuit board company (1997)</b>	Bypassing treatment system for wastewater dumped to City sewers	\$34,000	\$16,570
<b>Furniture retailer (1997)</b>	False “all on sale” ad	\$33,750	\$19,375

customers that they may have purchased expired products, and to provide a refund or an exchange for the expired products.

In recognition of the Unit's commitment to providing restitution services to victims, deputies Steven Gold, Michael Rivo, and Richard Ostrow received the 1998 Governor's Restitution Award from Governor Pete Wilson. The award recognized the deputies for uncovering the County of San Diego's wrongful diversion of victim restitution payments into its own account to cover its collection costs. As a result of the deputies' efforts, the County changed its policy so that victims now receive their restitution as ordered by the court instead of having to wait for the County to first collect its administrative fee.

Each year, the staff trains law enforcement officers and educates the public through presentations, press releases, and public service announcements. Deputies presently serve on or provide leadership to seventeen local, regional, and statewide task forces, targeting all kinds of consumer and environmental offenses, including hazardous wastes, unsafe food and drugs, AIDS fraud, and telephone boiler-rooms.

The Unit works closely with local media to promote public awareness of important consumer and environmental issues that affect San Diegans. The Unit's work has been profiled in both local and national news. A recent case prosecuted by the Unit against a doctor who put patients at risk by letting untrained workers administer painkillers received coverage from MSNBC on its Internet web page. In one important initiative, Unit deputies focus on defendants with

misdemeanor warrants who owe restitution to victims. Unit investigators create "wanted posters" and distribute them to law enforcement agencies statewide. *The San Diego Union-Tribune* publishes photographs of these defendants in its "Most Wanted" column. Police have arrested most of the defendants, and their victims are receiving restitution.

Unit staff also participate in consumer information fairs held in the City Concourse, local shopping malls, and other locations in San Diego. Deputies and investigators regularly speak to San Diegans ranging from grade school students to senior citizens on a wide variety of consumer and environmental topics. The Unit also has developed printed materials that explain the types of cases it handles, how to file a complaint, and how to protect oneself from being scammed.

#### F. Public Integrity Section

The Public Integrity Section investigates and prosecutes violations of law pertaining to elections, governmental integrity, ethics, and criminal waste, fraud, and abuse of City resources. Created in 1996, the Section is composed of a deputy city attorney, an investigator, and a legal assistant, who have a variety of enforcement responsibilities. One responsibility is to interpret and enforce the 1996 California Political Reform Act (Proposition 208) as it applies to local campaign committees. Other responsibilities are to pursue leads from a telephone hotline, audit campaign financing reports, and investigate misappropriation of government resources and other crimes against the City.

## G. Code Enforcement Unit

Begun in 1984, the Code Enforcement Unit has made great strides in improving the quality of life in San Diego's neighborhoods. With the strong support of the City Council, the City Attorney's Office has developed an effective, coordinated, and comprehensive code enforcement program, which uses both legal and administrative remedies. The Code Enforcement Unit works in partnership with City Council Offices; the City's Neighborhood Code Compliance, Police, Environmental Services, and Fire and Life Safety Services Departments; and community groups.

Because vacant and dilapidated buildings, trash, abandoned cars, substandard housing, graffiti, and blight all attract crime, the Code Enforcement Unit works proactively to aggressively enforce state and local housing, building, zoning, litter, fire, and health and safety regulations. The Unit uses both criminal and civil sanctions. Building, zoning, litter, and fire code violations are usually prosecuted criminally. In cases involving immediate threats to public health and safety, including public nuisances, substandard housing violations, destruction of environmentally sensitive land, and failure to provide disabled access, Unit deputies seek compliance by means of civil remedies, such as restraining orders.

In Fiscal Year 1998-99, Code Enforcement deputies successfully prosecuted code violators, resulting in the imposition of large monetary penalties and jail time. In one significant case, an Ocean Beach landlord was sentenced to serve 360 days in jail for maintaining his rental properties in deplorable conditions. The landlord was charged with failing to provide operable heaters, smoke detectors,

and emergency exits. He also was charged with not repairing broken windows and doors, deteriorating flooring, and unsafe outdoor lights, and numerous other housing, health, and building violations. In a similar case, a City Heights landlord was ordered to pay \$3200 in fines and to bring his rental properties into compliance, after the judge saw that the properties had unsafe electrical wiring, improperly installed plumbing, and other below standard conditions. In one significant environmental case, a homeowner and a landscaping company, that unlawfully cut down and carried away at least thirteen trees located on a public right away, were ordered to pay \$26,000 in civil penalties and restitution.

Code Enforcement Unit staff devote considerable time each year to train code inspectors on the various remedies under the Municipal Code and how to best apply these remedies to resolve a case. City inspectors are also trained on investigative techniques and preparing cases for prosecution. Such training helps to ensure that the code enforcement laws are effectively enforced.

A team of code enforcement prosecutors, inspectors, and police officers meets monthly at the police divisions to allow officers to discuss and refer problem properties. The meetings allow the team to explore creative solutions. The team creates a list of properties, and either a code inspector or a prosecutor takes the lead on each case. The lead code inspector or prosecutor is responsible for ensuring swift action and coordination. This partnership has enabled police officers to identify code violations and correctly assess when code inspectors can assist them in resolving a problem in the community. It has also allowed prosecutors, code inspectors, and police officers to work closely in project teams to target problem

properties. In one example of cooperation, a project team closed an all-night motorcycle club that was the scene of excessive noise, traffic, and public disturbance incidents.

Another example of the partnership between law enforcement and the community is the Regional Community Policing Institute, a federally funded program offering free classes in San Diego County to increase neighborhood safety and reduce crime. Code Enforcement deputies are regular presenters at the Institute. The deputies teach residents how to access the services available to deal with noise problems, drug use, and other code violations.

Annually, Code Enforcement deputies participate in the Volunteer Summit held for hundreds of community volunteers who help the Neighborhood Code Compliance Department. Along with representatives of several other City departments, Code Enforcement deputies teach the volunteers the procedural and legal steps they need to follow in order to help abate nuisances and obtain compliance with health and safety regulations.

In February 1999, along with Sharren Carr of the Neighborhood Code Compliance Department, Head Deputy City Attorney Diane Silva-Martinez was a presenter at HUD's Community Policing Conference held in Los Angeles. Speaking to law enforcement officers and community-based organization leaders from six states, they described how to build partnerships between citizen groups, code compliance inspectors, the police, and prosecutors to improve living conditions and reduce crime.

Code Enforcement Unit Selected Case Studies			
Description of Property	Description of Problem	# of Arrests Before City Attorney Involvement	# of Arrests After City Attorney Involvement
<b>43rd Street Multi-unit complex Council District 3</b>	1998–99 case — Numerous calls for response. Drug activity/problem tenants. Code violations. Difficult property owner. Criminal complaint filed requiring eviction of problem tenants.	6	3
<b>28th Street Single family residence Council District 8</b>	1998 case — Zoning violations. Illegal pallet business. Property was being used for illegal activity. Criminal complaint resulted in conviction of owner who spent time in jail.	17	0
<b>Gamma Street Single family residence Council District 8</b>	1998 case — Property owner ordered to remove trash on property, evict bad tenants, and fully fence the lot to prevent people from entering the lot to commit crimes. Criminal complaint filed.	2	0
<b>Acacia Street Single family residence Council District 4</b>	1998 case — Significant police interest due to the number of police calls to address criminal activity on property. Civil complaint filed ordering problem resident with ownership interest to vacate house. The property was cleaned up and the house boarded and secured.	21	0
<b>Fairmount Avenue Apartments Council District 3</b>	1998 case — Property owner operated a dilapidated apartment building and rented a garage that had no water or electricity. Criminal complaint filed.	3	1
<b>Broadway Apartments Council District 1</b>	1998 case — Criminal complaint filed against property owner for maintaining “slums” (housing violations). Property rehabilitated.	6	0
<b>47th Street Single family residence Council District 3</b>	1998 case — Severely substandard, fire damaged residence. Drug activity. Problem for police and community. Civil injunction filed requiring resident's relocation, securing of structure, and requirements to rehabilitate.	3	0



<b>15th Street Storage facility Council District 2</b>	1998 case — Three-story storage facility. Storage cubicles being rented as apartments. Narcotics, prostitution, severe loitering problem affecting nearby businesses. Fire and health and safety violations. Meeting with property owner resulted in immediate eviction of “tenants.”	19	4
<b>Redwood Multi-unit complex Council District 3</b>	1998 case — Housing, building, litter violations. Criminal activity associated with property. Criminal complaint filed requiring that violations be corrected and owner monitor property.	9	1
<b>State Street Hotel Council District 3</b>	1997 case — Hotel in severe substandard condition. Squatters and high crime rate due to drug activity. Criminal complaint filed resulting in apartments being vacated and rehabilitation of structure.	59	19
<b>Euclid Avenue Multi-unit complex Council District 7</b>	1997 case — Multi-unit complex. Some vacant units. Serious housing violations. Criminal activity associated with property. Criminal complaint filed. Property rehabilitated by new owner.	40	19
<b>Landis Single family residence Council District 3</b>	1997 case — Intervention to address housing and zoning violations resulted in eviction of a tenant who was a drug dealer and problem for police and neighborhood. This property is one of 15 properties addressed in subsequent criminal complaint. Owner presently on probation and serving custody.	4	0
<b>5th Avenue Multi-unit complex Council District 3</b>	1997 case — POP project. Prostitution and drug activity. CEU coordinated enforcement efforts, determined ownership, and imposed rehabilitation deadlines on new owner.	6	3
<b>Goodyear Single family residence Council District 4</b>	1996 case — Civil injunction obtained to address substandard housing. No gas, electricity, extreme unsanitary conditions. High fear factor in neighborhood due to “criminal element” living at property.	11	0
<b>El Cajon Blvd. Motel Council District 7</b>	1996 case — Severely substandard motel. Numerous police calls to address drug activity, prostitution, and miscellaneous crimes. Criminal complaint filed resulting in tenants vacating property and rehabilitation of property.	27	3
<b>Coconino Way Single family residence Council District 6</b>	1996 case — Packrat/substandard housing. Big problem to neighborhood. Civil injunction obtained to correct violations and relocate owner.	2	0

## H. Drug Abatement Response Team

Part of the Code Enforcement Unit, Drug Abatement Response Team [DART] deputies enforce drug, gang, and nuisance laws through the civil abatement process. Properties involved in drug or gang activity are subject to civil abatement. Abatement orders can then be enforced against violators by criminal prosecution or civil contempt. DART is composed of two deputy city attorneys, a police sergeant and two detectives, and a housing inspector, who stop drug activity, rehabilitate properties, and act as a catalyst for neighborhood revitalization and empowerment.

Two recent cases illustrate DART's success in using civil abatement to combat crime. In one case, DART targeted a motel adjacent to an elementary school where prostitution and drug activity were rampant. Children were continually exposed to discarded condoms, drug paraphernalia, and criminal activity. DART obtained a civil injunction, requiring the motel owner to hire a security guard to prevent illegal activity. In the second case, a civil abatement action was filed against the owners of a gang hangout where gang members intimidated the neighborhood with threats of violence, narcotics trafficking, drive-by shootings, and trespass. The court issued a restraining order against the gang members and ordered that the property be closed until it was rehabilitated.

In November 1998, Deputy City Attorney Makini Hammond, working with the San Diego Police Department's Gang Unit, filed an innovative gang abatement action against twenty-four Lincoln Park gang member defendants. As a result of this action, the defendants were served with a preliminary injunctive order containing thirty-

five conditions prohibiting both criminal and nuisance activity. This injunction has decreased criminal and violent gang activity in the Lincoln Park community. Currently, DART deputies have filed five contempt actions in which gang members have violated the court order. DART deputies are also working with other agencies to provide education, job training, and employment opportunities for those gang members who want to become law-abiding members of the community.

In 1999, the DART Team obtained a court order against the manager and owner of a motel on El Cajon Boulevard, where prostitution and drug activity had been occurring for months. A superior court judge granted a preliminary injunction against the manager and owner, requiring them to take immediate action to abate the illegal activities on the motel's premises. The DART Team also was successful in obtaining a preliminary injunction against the owner of two Linda Vista apartment complexes, where serious drug and nuisance activity was occurring. More than sixty declarations from tenants, police officers, and community members were filed in support of the preliminary injunction.

Drug and Prostitution Abatement DART Selected Case Studies				
Description of Property	Date of Office Hearing/Filing	Narcotics Arrests Before DART Intervention	Narcotics Arrests After DART Intervention	% Change in Arrests
N. 30th Street Single family residence Council District 8	Filing 11/14/95	14 (11/94-11/95)	5 (11/95-10/96) 0 (11/96-3/99)	64.2% decrease after one year
Logan Avenue Apartment complex Council District 8	Filing 2/19/98	9 (2/97-1/98)	0 (2/98-2/99)	100% decrease
15th Street Hotel Council District 8	Filing 6/12/98	26 (9/97-6/98)	0 (7/98-3/99)	100% decrease
El Cajon Blvd Motel Council District 7	Filing 9/25/98	21 (9/97-9/98)*	5 (10/98-12/98) 0 (1/99-3/99)	76.2% decrease
36th Street Apartment complex Council District 3	Office Hearing 11/19/97	10 (11/96-10/97)	0 (11/97-3/99)	100% decrease
J Street Apartment complex Council District 8	Filing 12/10/97	13 (12/96-12/97)*	0 (1/98-3/99)	100% decrease

\*Although the numbers only reflect narcotics arrests, documented prostitution activity was also abated as a result of the filing of the abatement actions.

## I. New Prosecutor Training Program

The Criminal Division conducts an in-house, comprehensive training program for all new deputies. The prosecutor training program is one of the best in the country. There are two training cycles each year, which correspond to the California State Bar's swearing in of new lawyers in June and December. The training program includes courtroom work, trips to law enforcement agencies, and classroom instruction.

The courtroom work involves trial practice training, taking new deputies through the stages of a criminal case. Sessions on the elements of trial, including voir dire, opening statement, examination of witnesses, and closing argument, culminate in a day-and-a-half-long mock trial. New deputies conduct the mock trials, and judges, law enforcement officers, and expert witnesses play their respective roles.

Besides the practical skills training, another component of the courtroom work involves "second-chairing." In the initial second-chairing experience, the new deputy sits at counsel table with a senior trial deputy throughout a jury trial. The new deputy is not simply a spectator but typically is included in chambers and side bar conferences. In the final component of trial training, the new deputy conducts a jury trial while being second-chaired by a senior deputy who is there to assist as needed.

The trips to law enforcement agencies include "ride-alongs" with police officers who are enforcing DUI laws. In a trip to a police laboratory, forensic alcohol and drug analysts explain instruments

used in alcohol and drug analyses. There are also trips to various departments in the courthouse and a tour of the county jail.

In the classroom instruction, Screening and Arraignment Unit supervisors teach new deputies how to evaluate crime reports and review suspects' criminal histories. They also emphasize the prosecutor's professional responsibility, discussing ethical considerations promulgated by the American Bar Association and national and local prosecutor associations. Trial Unit supervisors teach such subjects as California criminal law and the California Evidence Code. Appellate Unit supervisors teach criminal procedure and California's discovery law. They also train new deputies how to research, write, and argue motions.

The training program serves an immediate need in the Criminal Division, not only instructing in practical skills and teaching substantive law, but also orienting new deputies to city employment and promoting speedy assimilation onto the Criminal Division team. The training also serves a longer term need in the Civil Division, providing the kind of foundation in trial experience without which deputies could not represent the City as confidently and effectively. All Civil Division deputies begin their careers in the Office with the Criminal Division. As openings arise in the Civil Division, Criminal Division deputies transfer to the Civil Division through an interview and selection process. In the last two years, twenty-four attorneys have transferred from the Criminal Division to the Civil Division.

This ability to transfer deputies provides the Civil Division with a ready pool of seasoned, cost-effective trial attorneys. When the City

Attorney's civil litigators are assigned their civil caseloads, they already have a wealth of jury trial experience. Deputy city attorneys earn their reputation as effective litigators before they assume responsibility for defending the City and its employees. Rather than having to pay a salary premium to hire litigators laterally from civil firms, the City Attorney's Civil Division selects proven performers from the Criminal Division. The entry-level prosecutor who starts at \$45,000 becomes the entry-level civil litigator, often for less than \$55,000. Not simply providing a tremendous savings to taxpayers, this model represents an unparalleled training and development program for the City's lawyers.

The value of the Criminal Division training ground is an important factor for many prospective applicants for deputy city attorney positions. Close to 1,000 law students and lawyers contact the City Attorney's Office each year. The sterling reputation of the new prosecutor training program is one of the principal reasons the City Attorney's Office gets so many applicants. Because the City Attorney offers new lawyers a solid grounding as trial attorneys, the Office offers something that 90 percent of civil firms cannot.

Cost savings and professional development are not the only synergy that results from having both a Criminal Division and a Civil Division. Having 120 attorneys divided between two divisions allows the City Attorney to reassign attorneys as priorities evolve. When the economy was in recession, for example, crime was up and the City Attorney took from Civil Division assets to assign more prosecutors to the Criminal Division. Now that the economy is in recovery and the need is acute in the Civil Division, the City Attorney has been

able to transfer Criminal Division attorneys to the Civil Division to serve as litigators defending the City and recovering monies owed to the City, without the City having had to allocate more in the budget.

## V. Enhanced Prosecution Programs

As the City of San Diego's chief misdemeanor prosecutor, the City Attorney is directly accountable to the citizens of San Diego. Criminal Division staff members believe that misdemeanor prosecution is more than merely reviewing police reports, filing criminal complaints, and going to court. Misdemeanor prosecution involves proactive problem-solving to ensure that offenders are held accountable and the needs of crime victims, witnesses, and community members are met. Criminal Division staff members have developed and implemented many innovative programs to solve community crime problems and to intervene at the misdemeanor level before a felony occurs. It is necessary to review both early intervention initiatives of the Office and prevention and education programs run by the Office to fully understand the scope of the City Attorney's commitment to comprehensive misdemeanor prosecution.

### A. Proactive, Early Intervention Programs

Criminal Division staff members are dedicated to a philosophy of proactive, early intervention lawyering with a commitment to community outreach. The Criminal Division has been recognized both locally and nationally for many of its unique, innovative approaches to solving community crime problems. These programs are an important part of misdemeanor prosecution in the City of San Diego. Each of these programs represents specialized misdemeanor work.

### (1) Neighborhood Prosecution Unit

The Neighborhood Prosecution Unit uses a proactive approach to solving crime problems and community concerns successfully adopted by the San Diego Police Department. Simply responding to reports of crime is not enough. The goal of neighborhood prosecution is to develop a partnership between our police, our prosecutors, our courts, and our communities to create a more responsive criminal justice system. The Unit ensures that a community's priorities are recognized and that offenders of concern to the community are aggressively prosecuted. The philosophy takes deputies out of the office and into the community on a regular basis.

Created in April 1997, the Unit works closely with the San Diego Police Department and community organizations to prosecute "Problem-Oriented Policing" or "POP" cases. These problem-solving efforts include prosecuting quality-of-life crimes, such as illegal lodging in the Mission Valley Riverbed; lewd acts in Presidio, Marian Bear, and Balboa Parks; loitering for prostitution in Mid-City; loitering for drug activity downtown; and drag racing in the north-eastern sections of San Diego.

A recent example of proactive intervention is the work the Unit did with the San Diego Police Department and community groups in the Mid-City area of San Diego to obtain temporary restraining orders against more than seventy chronic prostitutes. These prostitutes were loitering in front of businesses and residences along El Cajon Boulevard and University Avenue bringing criminal activity including sex and drug offenses into the area. The residents and business owners joined together, and with the assistance of the City Attorney

and the Police Department, obtained restraining orders, forbidding the prostitutes from being in the area of El Cajon Boulevard and University Avenue. Prostitutes who violate the court orders may be prosecuted criminally. This restraining order program has significantly reduced the prostitution problem, forcing the prostitutes out of San Diego.

The work with police and community leaders has resulted in new local and state legislation, including enhanced state penalties for peeping toms who are repeat offenders. The deputies also participate in crime prevention fairs; give presentations at schools, civic groups, and other local organizations; teach police academy courses; and publish articles in law enforcement periodicals.

## **(2) Specialized Prosecution Committees**

The Criminal Division has twelve committees to handle cases requiring in-depth, specialized training. Deputies who are not working in specialized units are assigned to one or more of the specialized committees. Each of the specialized units—Child Abuse and Domestic Violence, Consumer and Environmental Protection, and Code Enforcement—started as committees and grew into a unit to handle expanding caseloads. The specialized committees and their duties are:

- Animal Regulations Committee to prosecute San Diego Municipal Code, County Code, and California Penal Code offenses involving animals, including animal abuse
- Commercial Vehicle Committee to prosecute offenses involving commercial trucks and vehicles, including safety and equipment violations
- Fish and Game Committee to prosecute violations of the California Fish and Game Code and California Code of Regulations, Title 14
- Fraud/Forgery/Bad Checks Committee to prosecute cases involving unauthorized and fraudulent use of credit cards and checks, and embezzlement cases
- Gangs/Graffiti Committee to prosecute cases involving gang members, including violence or weapons offenses, graffiti, and vandalism
- Hate Crimes Committee to prosecute offenses motivated by bias against a group identified by race, religion, or other protected class
- Manslaughter Committee to prosecute misdemeanor vehicular manslaughter cases
- POP/Code Enforcement/Mental Health Committee to prosecute problem-oriented policing project cases, violations of the San Diego Municipal Code, including vice and licensing cases, violations of temporary restraining orders issued by the Superior Court, and cases involving mentally ill defendants
- Obscenity/First Amendment Committee to prosecute violations of state and local law involving individuals and businesses who possess or distribute unlawful, obscene materials, including videotapes, books, magazines, and other materials, and to review other cases implicating the First Amendment. The City

Attorney's Office is currently taking the lead in developing and implementing initiatives to deal with the negative effects of obscenity on San Diego's communities and children. In partnership with Councilmember Juan Vargas, the San Diego Police Department, other law enforcement agencies, and community organizations, the City Attorney is proactively combating criminal conduct associated with the distribution of obscene materials and the operation of sexually oriented businesses in San Diego.

- Sex Crimes Committee to prosecute sex offenses committed against civilian victims or involving civilian witnesses, including misdemeanor sexual battery, misdemeanor child molest, lewd act in public, and indecent exposure
- Tuberculosis/Prescription Fraud Committee to prosecute cases involving people with communicable tuberculosis who violate court orders by not taking their medication and exposing the community to disease, and use of fraudulent prescriptions
- Telephone Committee to prosecute cases involving telephone harassment.

Members of the specialized committees are responsible for reviewing the police reports and prosecuting the cases that fall within the expertise of their committees. The deputies in these committees handle the cases assigned to them from start to finish, from initial screening, through arraignment, and trial to ensure that the defendants are held accountable with appropriate punishment and rehabilitation and that victims receive appropriate restitution.

### **(3) Victim/Witness Information Program**

The Criminal Division has four advocates committed to providing crime victims and witnesses support, information about the status of their cases, and referrals to social service agencies. One advocate is dedicated to general misdemeanor cases, and three are assigned to the Child Abuse and Domestic Violence Unit.

The advocate who helps crime victims in our general misdemeanor caseload gathers information from victims and other witnesses that assists in the prosecution of cases. In 1998, she handled nearly 1,000 cases involving violence, such as battery, vandalism, and sex crimes. This advocate supports victims and witnesses in court. Other support staff throughout the Criminal Division also help respond to victim and witness inquiries.

The three advocates working in the Child Abuse and Domestic Violence Unit promote victim safety as a primary goal. In addition to the three full-time victim advocates, every member of the Unit, from receptionists to attorneys, receives training on proper protocol in dealing with victims and methods to increase victim awareness of the community-based victim support systems in place. Victim advocates work to contact every victim in every case in order to educate them about the judicial process and ensure access to needed services.

In 1998, these three victim advocates initiated 10,016 victim contacts by telephone or in person to provide information on the status of cases, safety planning, restitution, and long-term follow-up assessments. The advocates regularly accompany victims to court to support them as they testify. On occasion the advocates have been



called as witnesses themselves. In 1998, the advocates provided 3,221 victims with referrals to domestic violence shelters, legal clinics for temporary restraining orders and other family law matters, counseling and support groups, law enforcement agencies, medical services, social service agencies, and sources for food and clothing.

#### **(4) State Victims of Crime Program**

The Criminal Division aggressively supports California's Victims of Crime Program, providing financial assistance to qualifying victims of crime. The State Board of Control funds a legal assistant who ensures that eligible victims receive restitution for medical expenses, mental health counseling, loss of income, loss of support, funeral and burial costs, and job rehabilitation. The State Board of Control's primary source of revenue is penalty assessments and restitution fines levied against convicted criminal offenders.

In the last twelve months, 113 victims in Criminal Division cases have filed claims with the Victims of Crime Program. On average in the state, courts order restitution fines in 87 percent of the cases in which victims file claims. In San Diego, because of the aggressive efforts of Criminal Division personnel, the local court orders restitution fines in 98 percent of Criminal Division cases. In those cases, the court ordered almost \$50,000 in restitution to victims. This impressive record of helping crime victims has been achieved at almost no cost to the City, because the legal assistant managing this program is paid by grant funds.

#### **(5) Children's Advocacy Program**

In 1997, in order to respond more effectively to incidents of misdemeanor child abuse, the City Attorney's Office joined in partnership with Children's Hospital to develop and implement the Children's Advocacy Program [CAP]. This project is being funded through a grant from the Office of Criminal Justice Planning. CAP involves a partnership of public and private agencies to provide advocacy, support, education, and referrals for victims of child abuse and neglect and for children who witness domestic violence in their homes.

Two deputy city attorneys are assigned to prosecute child abuse cases as part of CAP. They work closely with San Diego police officers to ensure successful prosecution of these cases. In 1997, the first year of the project, the San Diego Police Department submitted 256 cases for prosecution, which represented a 77 percent increase over the previous year. Child abuse deputies issued 87 percent of those cases and obtained convictions in 95 percent. More than 370 children received advocacy services through Children's Hospital. Social workers and health care professionals assessed the safety of the children and provided support services, advocacy, and follow-up. The goal of this program is to ensure that victims are not falling through the cracks in the system and to reduce the frequency of repeat involvement by the Children's Services Bureau and law enforcement.

#### **(6) Elder Abuse**

In 1995, the City Attorney's Office assigned a prosecutor to handle elder abuse cases, evaluate policies, and work in an elder abuse task

force. Criminal Division staff found that elder abuse cases were routinely not being submitted for prosecution because elders, like any domestic violence victim, fear retaliation, losing contact with family members, guilt, shame, and the consequences of displacement from a family home into a residential care facility. As a result, cases were being underreported to police and to prosecutors. A study conducted by the National Center on Elder Abuse estimated that only one out of every fourteen domestic elder abuse incidents are reported. In San Diego, the elder population is approximately 11.5 percent of the entire population, or 112,000 residents. As of 1996, San Diego lacked a comprehensive elder abuse response to physical abuse and neglect cases resulting in seniors suffering for too long without any protection. By the time a given elder abuse problem was discovered, it was already a serious situation usually requiring felony prosecution.

In early 1997, with the support of Councilmembers Valerie Stallings and Byron Wear, the City Attorney's Office formed a planning committee to develop a local campaign to honor Elder Abuse Awareness Month. Helping kick off the City's first Elder Abuse Awareness Seminar in May 1997 were Senator Dede Alpert and Councilmember Harry Mathis, among others. At the seminar, Senator Alpert presented a state resolution recognizing the City for its efforts. Each May, the City Attorney's Office co-hosts a series of events to raise awareness and provide training on elder abuse to state and local lawmakers, law enforcement personnel, educators, health and social service providers, and the public.

The City Attorney's Office also was awarded a grant in 1998 from the Office of Criminal Justice Planning to fund a specially trained

prosecutor in the Child Abuse and Domestic Violence Unit to handle elder abuse cases. This deputy city attorney works closely with the San Diego Police Department to ensure that victims of elder abuse are treated with dignity and respect, that all victims of elder abuse receive available assistance, and that all cases of elder abuse are reported to Adult Protective Services or a long-term care ombudsman.

The elder abuse prosecutor has been actively involved with community outreach to groups that work with seniors, including the Counsel for Minority Aging Elders, Chicano Federation Senior Center, Union of Pan Asian Communities Senior Support Group, African American Social Workers, the Lesbian and Gay Men's Community Center, and the Native American Health Center. The prosecutor designed and created a brochure on safety tips for seniors. He has conducted presentations on elder abuse as part of the San Diego Police Department training. He has worked to develop the Elder Abuse Law Enforcement Protocol, and has compiled a list of counselors and counseling groups for use in sentencing. This month, the City Attorney's Office will launch its first elder abuse newsletter and web site.

### **(7) Spousal Abuser Prosecution Program**

In 1994, the City Attorney's Office began receiving grant funding from the Department of Justice to ensure that the Criminal Division's domestic violence services reach all victims who need help with intervention and safety planning. The Office has implemented comprehensive, personalized safety plans for domestic violence victims and added another victim advocate, who is bilingual and provides Spanish-speaking victims with more comprehen-

sive services. This victim advocate presently contacts approximately twenty victims each day.

### **(8) Same-Sex Domestic Violence**

In 1995, the City Attorney's Office began to address the special needs of gay and lesbian domestic violence victims. The City Attorney's leadership led to the creation of a specialized community task force to work together on the issue. Domestic violence in same-sex relationships is rarely discussed. Nevertheless, the dynamics of gay and lesbian domestic violence are very similar to the dynamics of male-female domestic violence. In 1998, the City Attorney's Office was awarded a grant from the Office of Criminal Justice Planning to fund a specially trained prosecutor in the Child Abuse and Domestic Violence Unit to handle same-sex domestic violence cases.

The prosecutor who handles same-sex domestic violence has been actively involved with community outreach, including speaking at the Lesbian and Gay Men's Community Center on same-sex domestic violence prevention and prosecution. This prosecutor is also meeting with members of law enforcement, local counselors, and community activists to establish community goals in the area of preventing and prosecuting same-sex domestic violence cases. A state-certified Domestic Violence Recovery Program has been established in the City of San Diego to provide mandatory group counseling for individuals convicted of same-sex domestic violence.

### **(9) Dispute Resolution Office**

Since 1977, the City Attorney's Office has provided a program of alternative dispute resolution for certain misdemeanor crimes

against persons and property. The staff of the Dispute Resolution Office resolves appropriate cases without resorting to criminal prosecution. The dispute resolution officers work with parties who have ongoing relationships, such as family members, neighbors, or coworkers, to facilitate solutions that the parties fashion themselves and agree to follow. In most instances, the cases referred to DRO involve people with longstanding disputes with each other, which can result in multiple calls for assistance from police. The strategies include mediation (the parties meet together), conciliation (the parties meet individually with a dispute resolution officer), and mitigation (for example, the defendant pays restitution without a meeting).

By having a Dispute Resolution Office, the Criminal Division can more effectively use the limited resources available to the criminal justice system. Mediating cases for victims and defendants and resolving their underlying disputes without the necessity of court action offers a whole host of benefits. It saves prosecution resources that would otherwise have to be dedicated to trying cases, reducing the number of criminal cases clogging the courts. Mediation prevents conflicts from escalating into bigger confrontations, effectively diffusing volatile situations. It empowers the disputants to solve their own problems, saving police resources by eliminating the need for continual police intervention. It provides a means for obtaining restitution. And it promotes healing and closure in what would otherwise be ongoing disputes.

In Fiscal Year 1998, Criminal Division deputies referred 649 cases to the Dispute Resolution Office for alternative dispute resolution. All of the victims were sent letters giving them information about their

cases and offering to help them deal with their complaints. Office intake interviews and mediation sessions were conducted to provide disputing parties with a neutral forum for resolving their issues. Eighty-six percent of the cases referred to DRO were closed without resorting to prosecution. The DRO staff conducted active interventions with 378 misdemeanor suspects, which included mediation or conciliation agreements, mitigation of inappropriate behavior, and several thousand dollars in restitution paid to victims. When DRO intervenes, only a small percentage of suspects reoffend.

Dispute Resolution Office Statistics		
	1996 – 97	1997 – 98
<b>Total number of cases referred to DRO</b>	837	649
<b>Percentage of cases successfully closed without resorting to prosecution</b>	96%	86%
<b>DRO intervention with suspects</b>	339	378

DRO Intervention Recidivist Rates		
	1996 – 97	1997 – 98
<b>Suspects who reoffended with new crimes against persons or property</b>	40	33
<b>Percentage of suspects who reoffended</b>	12%	9%
<b>Suspects who reoffended with same victim</b>	2	1
<b>Percentage of suspects who reoffended with same victim</b>	.006%	.003%

#### (10) Drug Court

The San Diego Drug Court Program is a partnership between the San Diego Superior Court, San Diego Police Department, San Diego City Attorney's Office, San Diego County District Attorney's Office, San Diego Sheriff's Department, and local substance abuse rehabilitation providers. Drug offenders who qualify for the year-and-a-half-long program are subject to regular, random drug testing, in-patient or out-patient rehabilitation, and close monitoring by the court. The goal of the Drug Court Program is to help drug offenders end their substance abuse and create more productive lives.

Begun in March 1997, the San Diego Drug Court Program has graduated more than seventy participants, who have received

substance abuse rehabilitation as well as educational and vocational training and job placement. Drug Court participants have given birth to four drug-free babies. More than 80 percent of San Diego Drug Court graduates have remained drug-free, sober, and law abiding following graduation, while less than 55 percent of drug offenders who are processed through the traditional criminal justice system do not reoffend (based on 1995 U.S. Department Of Justice statistics).

The San Diego Drug Court Program has been nationally recognized by the U.S. Department of Justice and the National Association of Drug Court Professionals as a mentor court for other drug courts across the country. In 1998, the San Diego Drug Court Program, in conjunction with the National Association of Drug Court Professionals and the Department of Justice's Office of Community-Oriented Policing Services, held several training programs for drug court professionals from other jurisdictions. These trainings were to demonstrate the operation of a drug court and educate other drug court professionals about the unique partnership the San Diego Drug Court has developed. The deputy city attorney assigned to this project, Joan Dawson, has been recognized for her dedication and performance and designated by the Justice Management Institute and the National Drug Court Institute as a trainer for other drug court professionals across the country.

### **(11) Homeless Court**

Since 1988, the San Diego criminal courts, the City Attorney's Office, and San Diego Public Defender Steven Carroll and his staff have worked closely together to help homeless people who want to resolve their outstanding misdemeanor arrest warrants. Arrest warrants can be an obstacle for homeless people who want to change their circum-

stances. Warrants can also cause court case processing to backlog. The solution has been for judges and court staff, prosecutors, and public defenders to take the court to the shelters. By setting up at shelters, Homeless Court improves homeless people's access to the criminal justice system.

Resolving outstanding misdemeanor criminal cases for homeless individuals builds community collaborations, reduces court and jail costs, and helps the homeless get needed services and jobs. Homeless Court started at Operation StandDown, an annual event organized by the Vietnam Veterans of San Diego to benefit homeless veterans. Since then, Homeless Court has expanded to become a regular event at StandDown and at local homeless shelters.

In October 1998, Homeless Court was funded for eighteen months by a United States Bureau of Justice Assistance grant to the Public Defender's Office. The funding provides a prosecutor and public defender to establish guidelines for and negotiate plea bargains and alternative sentences to foster the efficient disposition of cases. Alternative sentencing substitutes counseling, volunteer work, and participation in agency programs in place of the traditional fines, custody, and public work service. Most defendants have their cases heard and resolved in one hearing, from arraignment through disposition and sentencing. The City Attorney's Office received grant funding to pay for a deputy city attorney and court support clerk to staff the Homeless Court eight hours a month.

### **(12) Community Court**

On March 18, 1999, the United States Justice Department's Bureau of Justice Assistance announced that the San Diego City Attorney's

Office will be awarded a \$225,000 grant to establish a specialized arraignment court for offenders who degrade the community's quality of life. The court will be located in the Mid-City area of San Diego. Councilmembers Judy McCarty and Christine Kehoe have pursued a vision for rebuilding our urban core in San Diego. This community court concept moves that vision forward. The court will unite social service agencies and treatment providers with the criminal justice system to provide offenders with rehabilitation services and appropriate sanctions, including restitution to the community.

The Mid-City Community Court will combine progressive plea bargaining with alternative sentencing. As an arraignment court for low-level misdemeanor offenders who commit quality-of-life crimes in the Mid-City area, the Court will focus on defendants' needs beyond case processing and punishment. It will help defendants change their lives by offering early intervention, stopping recidivism, and breaking the cycle of crime.

The court will address quality-of-life crimes in Mid-City by ensuring that offenders pay the proper restitution to the community through community service work. For example, a graffiti vandal in Mid-City may be ordered by the court to clean up graffiti in the area. By ordering this service in the community where the crime occurred, the court will ensure that the harm to the community is recognized and redressed. The court will also provide local residents and organizations visible and tangible evidence that the criminal justice system is working and is accountable to the community.

Community courts are part of the philosophy of community justice, which promotes joining communities and the criminal justice system together to improve public safety and reduce crime. The Justice Department awarded just six such grants out of eighty proposals. City Attorney staff wrote the grant application, and the project will be implemented by the City Attorney in partnership with the Superior Court, Public Defender, Police Department, and community organizations.

### **(13) San Diego Traffic Offenders Program**

The San Diego Traffic Offenders Program [STOP] was implemented in January 1997 to target San Diego's 90,000 unlicensed drivers. About half of San Diego's felony traffic collisions, resulting in serious injury or death, involve drivers with suspended or revoked licenses or no license at all. Over 30 percent of all accidents are caused by unlicensed drivers. Many drivers with license violations are repeat offenders. STOP's primary goal is to reduce the number of collisions caused by these license offenders.

With the strong support of the Mayor and City Council, this program is a partnership between the San Diego Police Department and the City Attorney's Office to address the safety issues caused by unlicensed and suspended-license drivers. STOP was initially funded by a California Office of Traffic Safety grant to the San Diego Police Department. The \$635,000 grant included funding for motorcycle officers, a deputy city attorney, and an administrative aide. The San Diego City Council established a \$72 unlicensed-driver impound fee to provide continued funding for STOP after the two-year grant ended. Now STOP is fully funded by license offenders.

The STOP team, composed of a deputy city attorney and police officers, arrests and prosecutes unlicensed and suspended-license drivers. The team impounds and forfeits offenders' vehicles. These vehicles are sold at auction, and the proceeds benefit criminal justice efforts in the City of San Diego and the State of California.

During the first two years of the program, the STOP team was also responsible for developing license-offender impound procedures, educating the public and law enforcement, initiating a vehicle forfeiture program, and successfully prosecuting license offenders. Although the law expressly granted forfeiture powers to the District Attorney, that office declined to participate. The City Attorney agreed to take on the responsibility.

In 1997, the San Diego Police Department impounded 16,908 vehicles for driver's license offenses. Approximately half of these vehicle impounds involved suspended or revoked drivers. In 1997, the City Attorney prosecuted 8,062 misdemeanor cases involving these illegal drivers. Vehicles impounded for thirty days are reviewed for forfeiture. Since most vehicle impounds are for only one day, the

vast majority are not reviewed. The more serious and habitual license offenders' vehicles, however, are impounded for the full 30 days and are reviewed for forfeiture. A driver's vehicle can be forfeited if the driver is a registered owner, is unlicensed or has a suspended or revoked license, and has a prior misdemeanor conviction for a license offense. In 1997, the San Diego Police Department initiated more than 250 forfeitures. A driver can stop a forfeiture by getting a valid license within a specified period of time. That year the City Attorney obtained forfeitures in 132 cases. Last year, 167 vehicles were forfeited.

The STOP team, including the deputy city attorney, conduct special enforcement operations that result in media and public awareness of the problem of unlicensed drivers. One operation involved a court-house sting in which license offenders were arrested after being observed leaving court after having their licenses suspended or revoked, getting in their cars, and driving away. Other operations include United States border checks, driver's license checkpoints, and warrant sweeps.

San Diego Traffic Offenders Program Case Statistics (STOP began 01/01/97)				
Year	Total SDPD Impounds for License Offenses (VC §12500 & §14601)	Vehicles Forfeited	SDPD VC §14601 Misdemeanor Prosecutions	VC §14601 Warrants Served
1997	16,908	132	8,062	1,904
1998	15,188	167	6,569	2,129

STOP successfully addresses the unlicensed driver problem in San Diego and has significantly contributed to reducing the number of fatal and injury collisions. From 1995, before STOP was implemented, to 1998, in the City of San Diego, fatal collisions went down 14 percent, hit and run collisions resulting in death or injury went down 23 percent, and injury collisions went down 6 percent. Such success makes the STOP Program a model for the entire county. STOP should be implemented countywide.

City of San Diego Collision Statistics			
	Fatal & Injury Collisions	Fatal Collisions	Hit & Run Fataals & Injury
<b>1995 (before STOP)</b>	5,923	65	750
<b>1997</b>	5,491	55	547
<b>1998</b>	5,556	56	580

The STOP deputy is also responsible for ensuring successful prosecution of cases from San Diego's Photo Red Light Program. San Diego currently has photo red light cameras installed at several traffic intersections to monitor drivers who run the lights. Since the program started in the fall of 1998, approximately 9,000 citations have been issued. By the end of 1999, there will be sixteen locations with photo red light enforcement.

The City Attorney has established guidelines for issuing photo red light enforcement citations, participated in training with San Diego Police Department officers on photo red light enforcement, coordinated defendant discovery requests, and facilitated solutions to a number of issues raised by this new enforcement. The City Attorney is a member of the Photo Red Light Enforcement Committee, which also includes participants from the San Diego Police Department, City of San Diego Traffic Engineering, Superior Court Traffic Division, and Lockheed-Martin, the company under contract by the City of San Diego to install and maintain the cameras.

## B. Prevention and Education Programs

As part of the City Attorney's philosophy of proactive, early intervention lawyering with a commitment to community outreach, Criminal Division staff members have developed and implemented many prevention and education programs. The City Attorney believes that processing cases and going to court are not the sole solutions to the crime problem. It is important to educate the public about the criminal justice system, to be responsive to the needs of the community, and to promote greater community cooperation with the system. Education programs, especially those involving young people, also create awareness of the consequences of criminal activity and thus deter individuals from committing illegal acts.

### (1) Parenting Project

In an effort to stop the increase in juvenile crime and juvenile activity in gangs, drugs, and graffiti, Mayor Susan Golding, in her 1995 State of the City Address, proposed a parenting project for the City of San Diego. First-year funding was authorized by the City



Council out of community development block grant monies. Crime statistics compiled by the San Diego Association of Governments showed that from 1984 to 1994 status crimes, such as truancy and curfew violations, increased by about 150 percent. Developed in October 1995, as a joint effort of the City Attorney's Child Abuse and Domestic Violence Unit and Dispute Resolution Office, the Parenting Project helps parents learn how to be more effective and reduce their children's involvement in gangs, drugs, graffiti, and other juvenile crimes.

The Parenting Project helps parents who have children under the age of fourteen. Parents of repeat curfew violators, taggers, truants, and violators of other misdemeanor crimes are required to participate in the program or face possible criminal prosecution. The City Attorney bases the Parenting Project on Penal Code section 272, which makes it a misdemeanor for an adult to contribute to the delinquency of a minor. Under Penal Code section 272, the City Attorney can prosecute parents who fail to exercise reasonable care, control, and supervision over their minor children.

The Project receives information on juvenile offenders from police contact reports, school attendance officials, the juvenile court, county probation officers, and other public agencies. Project staff members review these cases and determine whether intervention is appropriate. When it is, they hold an office hearing with the parents and evaluate the family and parenting issues. Most often, the parents are required to attend a series of classes on basic parenting skills given by the Corrective Behavior Institute, Family Support Foundation, the Urban League, the Vista Hill Foundation, or the Partners Mentorship Program. Parents who do not attend the classes may

face criminal prosecution, but the principal objective is compliance not punishment.

The focus is to help parents be better parents. In some cases, that means addressing parents' drug and alcohol addictions or other problems that prevent them from fulfilling their legal responsibilities as parents. While other programs are directed toward rehabilitation of juveniles, the Parenting Project's primary focus is on parents.

Since its inception, there have been 1,780 cases handled by the Parenting Project. Eighty-seven percent of parents required to attend a hearing have participated. City Attorney hearing officers have conducted more than 900 hearings with consistently high levels of compliance. More than 550 families have been referred to agencies for help, and 76 percent have completed or are enrolled in parenting classes, mentoring, and other support programs. The classes, offered in Spanish and English, focus on how to effectively parent in today's challenging social environment.

After the hearing, Project staff continue to follow-up with parents and various agencies to evaluate and solve problems they may be experiencing. They continue to encourage and reinforce parents' efforts. When parents successfully complete a program, the City Attorney personally sends a letter of congratulations to them and invites them to contact the Parenting Project staff if they have further needs. The staff has instituted a parenting help line to provide referrals for parents in need of community services. The Parenting Project has been recognized by *The San Diego Union-Tribune* and the University of California, San Diego in its Solutions '97 conference as an innovative and effective solution to juvenile

crime problems. The juvenile offender recidivism rate is less than five percent with families who complete the program.

While statistics are one means of measuring success, another means is frequent check-ins with families months after they have completed a class or program to see how they are doing. In the overwhelming majority of cases, their feedback is positive. Scores of graduates report to the Parenting Project staff that the programs they attended helped them become better parents who can properly supervise their children.

Future goals of the Parenting Project include broadening the project's referral base to include additional community-based organizations that offer multiple services, such as crisis intervention, in-home parent/family counseling, support for parents having problems dealing with the schools, and programs designed to help sexually active teenagers. This will increase the project's effectiveness by making referrals more accessible to parents and more tailored to their individual needs. Parenting Project staff members are also working to establish a database to allow better tracking of information and more effective case management.

## **(2) Peer Court**

In 1999, under the leadership and direction of San Diego Mayor Susan Golding, the City Attorney's Office, in partnership with Mayor Golding's Office, the San Diego Police Department, the San Diego County Public Defender, and the San Diego Unified School District, established the City of San Diego's Peer Court. Peer Court is a program to reduce juvenile crime through education and deterrence. The program provides first-time juvenile offenders, charged with

certain infractions and misdemeanor crimes, the opportunity to participate in a special diversion program by admitting guilt and being sentenced by their peers.

High school students take part in the sentencing hearings as prosecutors, defense attorneys, jurors, and court personnel. The sentencing options include letters of apology, papers, counseling, paying restitution, and performing community service. High school students are introduced to the criminal justice system and exposed to the consequences of criminal conduct by participating in a series of classroom discussions and sentencing hearings. Since Peer Court began in January 1999, more than 700 students have taken part. The schools involved initially in the program are Kearny High and Point Loma High. The goal is to involve every eleventh grader in the city schools system.

Peer Court already promises to be one of the most comprehensive peer accountability and prevention programs in the country. Once fully implemented, more students will participate in the City's Peer Court than in any similar program in the nation.

## **(3) Juveniles and Justice: A Community Safety Initiative**

Juveniles and Justice: A Community Safety Initiative is a partnership involving the City Attorney's Office, San Diego Police Department, local schools, and two community organizations—Mid-City for Youth and San Diegans United for Safe Neighborhoods. Deputy city attorneys and San Diego police officers developed and implemented an eight-week-long educational program for local fifth graders. The program teaches the students about the criminal justice system through a series of discussion groups, a court tour, a police station

tour, and a mock trial. The students study the United States Constitution and the individual rights that relate to the criminal justice system—specifically, the Fourth, Fifth, and Sixth Amendments to the Constitution. They also learn why we have laws and what happens when a law is broken. And they discuss the roles of the police, prosecutors, defense attorneys, witnesses, judges, and jurors in the criminal justice system.

Started in 1998, the program has been conducted at four local elementary schools. The program's purpose is prevention and intervention. By exposing these students to the criminal justice system at a young age, they will understand the importance of reporting crime, working with law enforcement authorities, and being responsible community members. The students will also be exposed to the consequences of committing crime by seeing what happens from the time a crime is committed through the prosecution of that criminal conduct. The program gives the students an opportunity to see the day-to-day responsibilities of police officers, attorneys, and other members of the criminal justice system and may inspire the students to pursue careers in these areas.

#### **(4) Safe Seniors Project**

The City Attorney's Office has, with the support of Councilmember Valerie Stallings and the City Council, created a coordinated elder abuse prevention and early intervention program called the Safe Seniors Program [SSP]. SSP has four major components: (1) referral, (2) operations, (3) caregiver programs and support groups, and (4) referral of eligible cases for prosecution.

SSP is based on Penal Code section 270c, which provides that "every adult child who, having the ability so to do, fails to provide necessary food, clothing, shelter, or medical attendance for an indigent parent, is guilty of a misdemeanor." In cases of elder abuse, SSP emphasizes intervening early, at the misdemeanor level, before the situation deteriorates to felony prosecution.

Elder care providers who violate Penal Code section 270c need education and the opportunity to build skills in order to change their behaviors to appropriate caregiving. One of the purposes of SSP is to ensure that such education and training is available. With \$10,000 in funding received from the San Diego Foundation in January 1999, the City Attorney's Office provides the senior citizen community of San Diego with information about elder abuse and available resources and solutions through quarterly newsletters and a brochure.

With SSP, the City Attorney's Office is active in the senior citizen community, provides training and education to elder care providers, develops stronger community partnerships, and when necessary prosecutes caregivers who violate the law.

SSP works closely with many public agencies, private organizations, and community-based groups that have long-term, ongoing working relationships with the City Attorney's Office, including the Area Agency on Aging, Lutheran Social Services, Operation SAMAHAN, University of San Diego, San Diego State University, San Diego Police Department, Senator Dede Alpert's Office, California Attorney General's Office, San Diego County District Attorney's Office, Scripps Health, and San Diego County Department of Health and Human Services.

### **(5) Teen Summit**

The brutal murders in 1995 of two San Diego teenage girls by their boyfriends prompted the City Attorney's Office to join forces with the San Diego Domestic Violence Council to lead an effort focused on teen relationship violence. Over the last two years, a series of teen summits to discuss with teenagers, teachers, counselors, law enforcement representatives, and other professionals how to combat this violence were held. The summit participants provide solid recommendations that are being used to prevent and intervene in teen relationship violence. The City Attorney is also pursuing a legislative agenda based on the comprehensive recommendations.

### **(6) Cell Phone Project**

In 1997, the City Attorney's Office, working in partnership with San Diego law enforcement agencies, developed and implemented a special countywide cellular phone program to protect the victims of domestic violence and stalking. The Sheriff's Department and the San Diego Police Department each received fifty-two cell phones to distribute to victims who meet certain criteria. The phones can be used in the event of a domestic violence or stalking emergency. The phones are programmed to automatically dial a special domestic violence number that rings in the respective law enforcement agency's communications center, which then dispatches officers to the emergency. There is no cost to the victims or participating law enforcement agencies. The phones are provided by and are maintained by All-State Cellular. GTE is providing the air time for use of the phones. Under the program, a cell phone is loaned to a qualifying victim for 30 days. A detective is in regular contact with the

victim and has the discretion to continue the loan of the phone for a longer period if circumstances warrant.

The phones are provided to victims in serious cases, involving threats of death and stalking. Detectives determine whether a particular victim qualifies for a loaned cellular telephone. Among the criteria, a victim must have a domestic violence assault case on file with law enforcement and must not be living with the abuser. A history of violence in the relationship and threats by the perpetrator are other considerations used to determine whether a victim is eligible to receive one of the specially programmed phones.

### **(7) Polaroid Camera Project**

San Diego police officers who respond to domestic violence calls are now equipped with Polaroid cameras as a result of an initiative co-sponsored by the City Attorney's Office. In 1996, the San Diego Police Department acquired 300 Polaroid Law Enforcement Camera Kits to better equip police officers in their domestic violence documentation and evidence-gathering efforts. Although choking and strangulation cases make up approximately 10 percent of the reported domestic violence crimes, they are difficult to prove in court because of the lack of physical evidence. When a domestic violence victim reports that she has been choked—because the physical evidence is not as obvious as that of a stab wound, a cigarette burn, a broken arm, or a black eye—many officers do not recommend that she seek medical attention. Assistant City Attorney Gael Strack, working with emergency room physician Dr. George McClane, has trained thousands of officers how to effectively and appropriately photograph victims injured in choking and strangulation domestic violence

cases. The training includes working with law enforcement professionals to help them recognize the physical symptoms of choking and strangulation and properly document the evidence.

#### **(8) San Diego Domestic Violence Council**

In 1988, the City Attorney's Office co-founded the San Diego Task Force on Domestic Violence with a small group of advocates and law enforcement professionals. The Task Force, which met from 1988 to 1991, was funded primarily by the City Attorney's Office.

In 1991, Task Force members, with the support of the Mayor, the City Council, and the Board of Supervisors, created the San Diego Domestic Violence Council to serve as the coordinating body for all domestic violence intervention and prevention efforts in San Diego County. Between 1991 and 1999, the Council was funded and staffed primarily from resources in the City Attorney's Office. Recently, Board of Supervisors Chairwoman Pam Slater and City Attorney Casey Gwinn executed an agreement by which the City Attorney and the County will share the cost of operating the Council.

Nearly 200 agencies and individuals participate in the Council. The Council is recognized across the country for its innovative and collaborative work reducing and preventing family violence. Working with other Domestic Violence Council members, City Attorney staff have created a countywide law enforcement protocol, an emergency medical services protocol, batterer intervention program standards, and numerous other policies and procedures for handling domestic violence cases in San Diego County.

#### **(9) Blue Ribbon Commission on Domestic Violence**

In 1995, in partnership with Councilmember Christine Kehoe, the City Attorney's Office helped create the Blue Ribbon Commission on Domestic Violence. This Commission identified ways the City of San Diego, as an employer, could address domestic violence issues within its workforce. A diverse community coalition was formed, which identified more than forty recommendations for action by the City Manager, department heads, and others. Many of the recommendations were successfully implemented.

#### **C. Grant Funding**

The City Attorney's Office takes an aggressive approach to securing grant funding in order to develop and maintain innovative misdemeanor programs. Grant fund revenues to the City of San Diego's General Fund for Fiscal Year 1999 will be \$622,823. The following table shows the funding organizations and the programs and positions supported by these grants.

<b>Grants Report</b> <b>January 1, 1998 – March 31, 1999</b>					
<b>Granting Agency</b>	<b>Project Title</b>	<b>Grant Amount</b>	<b>Application Date</b>	<b>Award Date</b>	<b>New/ Continuing</b>
<b>CA Dept. of Justice</b>	Spousal Abuser Prosecution Program	\$60,000	10/94	10/94	Continuing (5th Year)
<b>Office of Criminal Justice Planning</b>	*Children's Advocacy Program	\$70,000	5/97	7/97	Continuing (2nd Year)
<b>Office of Criminal Justice Planning</b>	Elder Abuse and Same-Sex D.V. Project	\$140,109	11/97	3/98	Continuing 2nd Year)
<b>State Board of Control</b>	**Restitution Projects	\$55,687	—	3/98	Continuing (2nd Year)
<b>CA Office of Traffic Study</b>	***San Diego Traffic Offenders Program	\$53,312	9/96	10/98	Continuing (3rd Year)
<b>US Department of Justice (Bureau of Justice Assistance)</b>	*Homeless Court	\$8,715	7/98	10/98	New
<b>San Diego Foundation</b>	Safe Seniors Program	\$10,000	8/98	12/98	New
<b>US Dept. of Justice (Bureau of Justice Assistance)</b>	Mid-City Community Court	\$225,000	9/98	3/99	New
<b>Total</b>		<b>\$622,823</b>			

\*The City Attorney's Office is a collaborator on each grant. The amount listed is the amount the City Attorney's Office receives.

\*\*The State Board of Control Revenue Recovery and Compliance Branch contacted us about a pilot project designed to ensure restitution fines and orders are properly administered in accordance with applicable statutes. The State Board of Control has continued to fund the expenses of a legal assistant through the current fiscal year.

\*\*\*The City Attorney's Office is a collaborator with the San Diego Police Department, the lead agency. The amount listed is the amount the City Attorney's Office receives.

## VI. Conclusion

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In 1998, the San Diego City Attorney's Office was profiled in a book published by Harcourt, Brace as one of *America's Greatest Places to Work with a Law Degree*. The book's author selected 115 law firms, public and private, in the entire country for comprehensive profiling in the book. The author selected the law offices after interviewing more than 170 career counselors — including alumni directors and administrators — at law schools across the country to find out where happy law school graduates work. The author also talked to hundreds of graduates to find the best of the best. The City Attorney's Office was profiled as a great place to gain solid legal experience in diverse areas of law, in a supportive, nurturing environment. This recognition was a significant achievement for the hard-working, dedicated deputies and staff members working in the City Attorney's Criminal Division.

In Fiscal Year July 1997 to June 1998, the Criminal Division responded to the unification of the San Diego Municipal and Superior Courts, while continuing to prosecute more than 42,000 misdemeanor cases. The Criminal Division's proactive, early intervention philosophy has reduced crime and improved the quality of life in San Diego.

The challenge to identify additional efficiencies and enhanced effectiveness is a daily one. But the City Attorney's Office remains open to every new opportunity to be more efficient and effective as the Office continues a track record of excellence in pursuing its Charter-mandated duties given to the City Attorney by the voters of San Diego.